

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference P803697/WO/1 | FOR FURTHER ACTION | See Form PCT/IPEA/416 |
| International application No. PCT/EP2004/012057 | International filing date (<i>day/month/year</i>) 26.10.2004 | Priority date (<i>day/month/year</i>) 11.12.2003 |
| International Patent Classification (IPC) or national classification and IPC B60K31/00, G08G1/16, G01S13/93 | | |
| Applicant DAIMLERCHRYSLER AG | | |

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| 1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. |
| 2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet. |
| 3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). |
| 4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application |

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|---|-----------------------------------|
| Date of submission of the demand | Date of completion of this report |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012057

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-13 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-16 received by this Authority on 08.03.2005 with letter of 08.03.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/2, 2/2 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012057

| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | |
|---|---|--------------|-----|
| 1. Statement | | | |
| Novelty (N) | Claims | 3-11, 14-15 | YES |
| | Claims | 1, 2, 12, 13 | NO |
| Inventive step (IS) | Claims | | YES |
| | Claims | 1, 2, 12, 13 | NO |
| Industrial applicability (IA) | Claims | 1-16 | YES |
| | Claims | | NO |
| 2. Citations and explanations (Rule 70.7) | | | |
| See supplemental sheet. | | | |

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: I and V

1.1 The defect in point 1.3 of the report from 4 March 2005 was redressed by the letter of 8 March 2005. Points 1.1 and 1.2 are still unresolved, however, since the applicant has neither adopted a position with respect thereto nor submitted any additional amendments.

1.2 The replacement of the term "driving lane" by "driving path" does not meet the requirements of PCT Article 19(2). The term "driving path" corresponds to broader subject matter than does "driving lane", since the driving path of a vehicle could contain several driving lanes. The description and the claims speak always of "driving lane", however, which is why this amendment is not admissible.

2. Novelty (PCT Article 33(2))

2.1 The arguments put forth with respect to the novelty of claim 1 over D1 have been analyzed and the examiner accepts that, although in D1 information is used that describes the course of the road, it serves not to specify the future driving behavior of the other traffic participants, but rather to identify the driving behavior of one's own vehicle in advance. Accordingly, claim 1 meets the requirements of PCT Article 33(2) in view of

Supplemental Box

D1.

Claim 1 still lacks novelty over documents D2 and D3, which were cited in the ISR. In this prior art, data from navigation systems (D2, column 4, lines 41-48 and D3, paragraphs [0137]-[0139]) is used in order to specify the driving behavior of the other vehicle; see "... an early differentiation between the two driving situations known as the passing process and approaching a curve" in D2, and "according to a path judgement function by the navigation system, it is judged whether the warning object is on the driving lane in the future..." in D3.

D2 describes a method for controlling an automatic distance adjustment system for a motor vehicle ("adaptation of an automatic following distance control for a road vehicle...") wherein a differentiation is made between two situations, namely passing ("traffic participants cutting into its driving lane"; "with normal driving behavior, the identified traffic participants will switch into the driving path of the road vehicle") and cornering. This differentiation is made based on "distance sensors" as shown in figure 1 of D2 and on information from navigation systems ("information about the course of the road"). The vehicle is controlled accordingly (see column 5, line 21

Supplemental Box

in D2 "braking measure").

In D3, information from various sensors and from a navigation system (see figure 11 of D3) is also taken in order to identify a future threat of collision with vehicles that are cutting in (figure 13(a) and (b)). Based on this information, braking measures are introduced (paragraphs [0059]-[0060]).

This reasoning also applies to independent device claim 12.

Consequently, claims 1 and 12 lacks novelty within the meaning of PCT Article 33(2).